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## FACSIMILE TRANSMISSION

Total # of Pages 19 (including this page)

TO:	PHONE #:	FAX #:
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From : Antoinette F. Konski  
Email Address : akonski@foley.com  
Sender's Direct Dial : 650-251-1129  
Date : November 10, 2005  
Client/Matter No : 064189-0201  
User ID No : 9357

### MESSAGE:

U.S. Serial No. 09/715,764

1. Transmittal (3 pages) (in duplicate); and
2. Amendment and Reply Under 37 CFR § 1.116 (12 pges.)

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Atty. Dkt. No. 13761-0739; 064189-0201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Heinz-Josef LENZ et al.  
Title: GENOMIC POLYMORPHISM  
FOR PREDICTING  
THERAPEUTIC RESPONSE  
Appl. No.: 09/715,764  
Filing Date: November 15, 2000  
Examiner: Sitton, Jehanne Souaya  
Art Unit: 1634  
Confirmation No. 7045

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>Mary R. Zimmerman</u> (Printed Name)  <u>[Signature]</u> (Signature)  <u>November 10, 2005</u> (Date of Deposit)
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**AMENDMENT TRANSMITTAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a  
previous assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	21	-	21	=	0	x	\$50.00	=	\$0.00

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Independent Claims:	2	-	3	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:		+					\$360.00	=	\$0.00
CLAIMS FEE TOTAL							=	\$0.00	

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input checked="" type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$1,020.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$1,020.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$1,020.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$510.00
TOTAL FEE:		\$510.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$510.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$510.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers

submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date Nov. 10, 2005

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 251-1129  
Facsimile: (650) 856-3710

By Antoinette F. Konski

Antoinette F. Konski  
Attorney for Applicant  
Registration No. 34,202

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Heinz-Josef LENZ et al.  
Title: GENOMIC POLYMORPHISM FOR  
PREDICTING THERAPEUTIC RESPONSE  
Appl. No.: 09/715,764  
Filing Date: November 15, 2000  
Examiner: Sitton, Jehanne Souaya  
Art Unit: 1634  
Confirmation No. 7045

**AMENDMENT AND REPLY UNDER 37 CFR § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment and Reply is responsive to the Final Office Action dated June 6, 2005, issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the Final Office Action originally was due September 6, 2005. Applicants hereby request a three month extension of time to reply to the Final Action, thereby extending the deadline to December 6, 2005. In view of the filing of the extension of time, the subject application is currently pending and this Communication is timely filed.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 5 of this document.